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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JOSE MENDEZ; CATALINA
BUENAYENTE; ADRIANA SANCHEZ,

Plaintiffs,

v.

SANDPIPER FARMS, LLC; DANIEL
SCHMIDA; GREGORIO HUICHAPA;
DOLORES GONZALES; EFRAIN
GARCIA and DOES 1 through 25,
inclusive,

Defendants.

CASE NO. C06 07735 JW

STIPULATION AND ORDER

This stipulation is entered into between all of the parties to this lawsuit, to wit:

A. JOSE MENDEZ, ADRIANA SANCHEZ and CATALINA BUENAYENTE (hereinafter

1 “Plaintiffs”) by and through their attorney, Charles Swanston;

2 B. SANDPIPER FARMS, LLC, DANIEL SCHMIDA, GREGORIO HUICHAPA and
3 DOLORES GONZALES (hereinafter “Defendants”) by and through their attorney, James W.
4 Sullivan.

5 The parties’ stipulation is entered into in light of the following facts and circumstances:

- 6 1. On December 18, 2006 plaintiffs filed their complaint against defendants.
- 7 2. Pending the granting of the application to proceed in forma pauperis, the court did
8 not issue the summons.
- 9 3. On February 13, 2007 the court granted the application to proceed in forma
10 pauperis and ordered the Clerk to issue the summons.
- 11 4. Service on the defendants of the summons, complaint, scheduling order and order
12 permitting service was completed by the U.S. Marshal on March 14, 2007 and
13 March 15, 2007.
- 14 5. The matter has been set for an Initial Case Management Conference on April 9,
15 2007.
- 16 6. Given these developments, the parties are in agreement to continue the currently set
17 case management conference date and continue it to May 21, 2007, or to a later
18 date to be set by the Court. The parties also agree to continue all pre-case
19 management conference deadlines, so that such deadlines shall be calculated by
20 reference to the new case management conference date.

21 IT IS THEREFORE STIPULATED AND AGREED AS FOLLOWS:
22

- 23 1. The current case management conference date of April 9, 2007, shall be
24 continued to May 21, 2007, or to a later date to be set by the Court;
- 25 2. All pre-case management conference deadlines shall be continued and re-
26
27
28

set by reference to the new case management conference date.

Dated: March 27, 2007

FITZPATRICK, SPINI & SWANSTON

By: _____/s/_____
CHARLES SWANSTON, ESQ.
Attorneys for Plaintiffs,
JOSE MENDEZ, CATALINA
BUENAYENTE, ADRIANA SANCHEZ

Dated: March 27, 2007

LOMBARDO & GILLES

By: _____/s/_____
JAMES W. SULLIVAN, ESQ.
Attorneys for Defendants,
SANDPIPER FARMS, LLC, DANIEL
SCHMIDA; GREGORIO HUICHAPA,
DOLORES GONZALES

ORDER

IT IS HEREBY ORDERED that the case management conference of the within action be continued from April 9, 2007, until May 21, 2007, at 9:00 a.m.

IT IS FURTHER ORDERED that all pre-case management conference deadlines shall be continued and re-set by reference to the new case management conference date

Dated: 3/29/2007


HONORABLE JAMES WARE OF THE UNITED
STATES NORTHERN DISTRICT COURT

PROOF OF SERVICE

I am employed in the County of Monterey, State of California. I am over the age of 18 and not a party to the within action; my business/home address is 838 S. Main Street, Suite E, Salinas, California.

On March 28, 2007 I served the foregoing document, described as

STIPULATION AND ORDER

on the interested parties in this action by placing a true copy thereof enclosed in a parcel at Salinas, California, and addressed as indicated below:

James W. Sullivan, Esq.
Lombardo & Gilles
318 Cayuga Street
Salinas, CA 93901
Facsimile: (831) 754-2011
*Counsel for Defendants,
Sandpiper Farms, LLC, et al.*

xx _____

(By Regular Mail) I am "readily familiar" with the firm's practice for collection and processing of correspondence for mailing. Under that practice it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid at Salinas, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after deposition for mailing affidavit.

(By U.P.S. Overnight Delivery) I personally delivered the above document(s) to a U.P.S. Station to be delivered overnight to the law office(s) listed above.

(By Personal Service) I caused such document(s) to be delivered by hand to the office(s) of the addressee(s).

(By Facsimile) I sent a true copy thereof via telephone facsimile transmission to the fax numbers listed above.

xx _____

(By ECF) I filed and served by Electronic Case Filing System in the USDC, Northern District, San Jose Division.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on March 28, 2007 at Salinas, California.

_____/s_____
GLADYS O. RODRIGUEZ